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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 CR 0014 (VM)

5 VINCENT ESPOSITO, STEVEN
6 ARENA, FRANK GIOVINCO, FRANK
7 COGNETTA, VINCENT D'ACUNTO,
8 JR.,

Defendants.

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9
10 New York, N.Y.
11 March 23, 2018
12 3:00 p.m.

12 Before:

13 HON. VICTOR MARRERO,

14 District Judge

15 APPEARANCES

16 GEOFFREY S. BERMAN
17 Interim United States Attorney for the
18 Southern District of New York
19 JASON M. SWERGOLD
20 KIMBERLY J. RAVENER
21 Assistant United States Attorneys

22 LAW OFFICES OF JEFFREY LICHTMAN
23 Attorneys for Defendant Esposito

24 JEFFREY H. LICHTMAN
25 JEFFREY B. EINHORN

-and-

ELIZABETH E. MACEDONIO
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STRAZZULLO LAW FIRM P.C.
Attorneys for Defendant Arena
SALVATORE E. STRAZZULLO

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Appearances (Continued)

JAMES R. FROCCARO, JR.

Attorney for Defendant Giovinco

RUBINSTEIN & COROZZO, LLP

Attorneys for Defendant Cognetta

JOSEPH R. COROZZO

GOLDSTEIN & HANDWERKER, LLP

Attorneys for Defendant D'Acunto

BY: MICHAEL HANDWERKER

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1 THE COURT: Good afternoon. This is a proceeding in
2 the matter of United States v. Esposito and others. It is
3 docket no. 18 CR 0014.

4 Counsel, please enter your appearances for the record.

5 MR. SWERGOLD: Good afternoon, your Honor. Jason
6 Swergold and Kim Ravener for the government.

7 THE COURT: Good afternoon.

8 MR. LICHTMAN: Good afternoon, your Honor. Jeffrey
9 Lichtman, Jeffrey Einhorn, and Elizabeth Macedonio for Vincent
10 Esposito.

11 MR. STRAZZULLO: Salvatore Strazzullo on behalf of
12 Mr. Arena.

13 MR. HANDWERKER: Michael Handwerker, Goldstein &
14 Handwerker on behalf of Mr. D'Acunto Junior.

15 MR. FROCCARO: James Froccaro for Frank Giovinco who
16 is seated right there.

17 MR. COROZZO: On behalf of Frank Cognition, Joseph
18 Corozzo. Mr. Cognition is in the audience also.

19 THE COURT: The Court notes for the record that
20 Mr. Esposito is present in the courtroom as well seated next to
21 his attorneys.

22 The Court has before it the government's request for
23 review of the decision by the magistrate judge to provide
24 Mr. Esposito a bail package, and let's put that aside for the
25 moment. I have received the various submissions that the

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1 parties have filed in that connection, and will address it in a
2 moment.

3 The main purpose that I scheduled this conference is
4 to talk about setting a trial date at the earliest possible
5 opportunity. And by the earliest possible opportunity, I'm
6 talking about a short period of anywhere between three to six
7 months from now.

8 Before we talk about specifics, let's ask the
9 government how long a trial would the government contemplate.

10 MR. SWERGOLD: Your Honor, I think there's a couple of
11 issues to address with respect to setting a trial date. I
12 think a trial at this point, especially with all defendants,
13 would be at least three weeks, and probably much longer.

14 THE COURT: That's encouraging for me for my schedule.

15 MR. SWERGOLD: There's also a significant amount of
16 discovery that was produced in this case, but even more
17 discovery that we're still getting ready to produce. I don't
18 know if your Honor wants us to at least talk to defense
19 counsel. I heard some rumblings, and I know from our
20 perspective, too, I don't know if anybody would be ready to try
21 this case in three to six months from now.

22 THE COURT: All right. I heard you.

23 MR. LICHTMAN: Judge, I'm happy to chime in.

24 THE COURT: Mr. Lichtman.

25 MR. LICHTMAN: If I can. As the prosecutor said,

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1 there's also a lot of outstanding discovery, but what has been
2 produced is 54 hours of consensual recordings and 72 hours of
3 Title IIIs. So we've got about 127 hours of tapes, of which
4 there is a protective order that's presently in place. And the
5 defendants are not allowed to review any of these tapes without
6 the presence of counsel.

7 So, at least with Mr. Esposito, who is still in the
8 MCC, if we had a paralegal go even six hours a week to spend it
9 with Mr. Esposito, that's going to be over 20 weeks just to
10 listen to the tapes a single time, forget reviewing them and
11 carefully going over them.

12 So, as much as I, especially with a client who is in
13 presently, I'd love the idea of a trial tomorrow if I could.
14 With 127 hours of tapes, of which he's yet to hear a single
15 minute of it, I don't think that a trial in that short period
16 that your Honor noted is theoretically possible.

17 THE COURT: Let's assume, I indicated three to six
18 months. What if we pushed towards the latter part, rather than
19 the shorter part.

20 MR. LICHTMAN: Your Honor, I'm sorry?

21 THE COURT: In other words, if we considered the
22 latter part, which is closer to the six months, rather than to
23 the three months. Would that make things more achievable for
24 you?

25 MR. LICHTMAN: I think it is still tough with so many

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1 hours of tapes, especially since --

2 THE COURT: Tough is not impossible.

3 MR. LICHTMAN: Nothing is impossible, Judge. If you
4 give us a trial date, we'll be ready.

5 THE COURT: I'm going to give you a trial date, but I
6 want to hear what your thoughts are.

7 MR. LICHTMAN: This is a very heavy tape intensive
8 case for any defense lawyer. So it is not like this is an
9 average case. This is very, very heavy. So normally I would
10 expect a little more time, especially since they're not even
11 allowed to have the tapes by themselves. Obviously, we are
12 going to go over that with your Honor now if we can, once we're
13 done with this part of it.

14 It seems a little bit difficult and unwieldy that the
15 only way they can even review the tapes is in the presence of
16 counsel. And we obviously all have other cases and other work.
17 I've got trials scheduled for the next year.

18 THE COURT: What you just said assumes that
19 Mr. Esposito would need to see the tapes at the MCC. But what
20 if he were out?

21 MR. LICHTMAN: If he was out, the protective order
22 still does not permit him to have the 127 hours of tapes. He
23 can't listen to them in his home. He would have to either come
24 to our office or we'd have to go to his home to listen to the
25 tapes.

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1 THE COURT: Is that impossible?

2 MR. LICHTMAN: It is not impossible. Obviously, the
3 first thing I would ask if your Honor were setting a trial date
4 is the protective order be modified to allow him to work on the
5 tapes not in our presence.

6 THE COURT: All right. Understood.

7 MR. LICHTMAN: That would speak --

8 THE COURT: It is not an impossibility.

9 MR. LICHTMAN: No.

10 MR. COROZZO: Your Honor, if I might.

11 THE COURT: Yes.

12 MR. COROZZO: It seems at this point that six months
13 might not be unreasonable, but the defense is unaware of what
14 the outstanding discovery entails.

15 THE COURT: Let's put that aside for the moment. You
16 are saying from your client's perspective six months is not
17 impossible.

18 MR. COROZZO: It is not impossible, depending upon
19 what is the outstanding discovery. Now there seems to be
20 significant discovery that has not yet been turned over. If
21 that includes recordings, electronic monitoring, then the six
22 months might be impossible.

23 So it is very hard for the defendants to give a true
24 opinion without knowing what is still to be turned over.
25 That's also assuming that there is no intentions or plans of

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1 superseding the indictment. And then we can give a more
2 sincere opinion to the Court.

3 THE COURT: All right. Thank you. Anyone else?

4 MR. STRAZZULLO: On behalf of Mr. Arena, looking at
5 the discovery provided already by the government, a September
6 trial date would be fine for Mr. Arena. Thank you, your Honor.

7 THE COURT: Anyone else wishes to weigh in on this?

8 MR. FROCCARO: I happen to agree with Mr. Corozzo. I
9 think until we have all the discovery, then we'll be in a
10 better position to estimate how much time we need. Once we get
11 it, I'm sure we can report to your Honor whether six months
12 would be adequate or not.

13 THE COURT: Mr. Swergold. Anyone else on the defense?

14 MR. LICHTMAN: One last thing. Beyond the 127 hours
15 of tape, there is also 78,000 text messages which means there
16 are 78,000 pages that need to be reviewed.

17 I don't have a problem with fast tracking the case,
18 your Honor obviously wants to get this thing over with and I
19 certainly appreciate that. I think that before we can do it
20 though, we need to receive all the discovery, see what our
21 motions are going to be, perhaps set a motion schedule, and
22 then at that point perhaps have a conference and set a
23 realistic trial date.

24 I don't know how long these motions will be. We
25 haven't received the applications and affidavits for the Title

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1 IIIs. There is so much outstanding discovery, we're really
2 hunting in the dark, so to speak.

3 MR. HANDWERKER: Judge, if I may. You set a
4 conference date in this matter for May 18 for a control date.
5 I think that date should still be viable. We can report to
6 your Honor how we're getting discovery. If we need more time,
7 we can request it, and we have better control over the case.
8 As it stands now, we're at a disadvantage because we don't know
9 what they have.

10 THE COURT: Thank you.

11 MR. FROCCARO: Just the last thing, the last
12 disadvantage is we're at, I don't know what my client is really
13 charged with. We need some particulars. He's charged in a
14 RICO conspiracy, and I don't know which racketeering acts they
15 are claiming he personally agreed with and committed. That
16 would be helpful, especially in terms of looking at the
17 discovery so I know what crime they are alleging he committed
18 in furtherance of this conspiracy.

19 THE COURT: Mr. Swergold, back to you.

20 MR. SWERGOLD: Yes, your Honor. I can certainly give
21 a preview now of the remaining discovery we have that we are
22 preparing to produce. It does include the Title III
23 affidavits, there's e-mail accounts for at least two, for two
24 of the defendants. There are phone search and computer search
25 warrants from the search that was executed at Mr. Esposito's

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1 house, and the union office. There is the hard copy documents
2 we have to get scanned in, that's going to be thousands of
3 pages from the search warrant that was also done at, again, at
4 Mr. Esposito's house and at the union office. We have subpoena
5 returns, bank records, union records, and also voluminous
6 records on the financial transactions that are the basis for
7 most of the counts in the indictment, the honest services fraud
8 and the wire fraud counts.

9 And, your Honor, what we produced to the defense in
10 the first instance was a significant amount of material. I
11 think Mr. Lichtman really hit it on the head with how much
12 material is in just the consensual recordings and wiretaps
13 alone. As well as surveillance photographs, and some search
14 warrant reports, line sheets. So we gave them, we gave them
15 the stuff that really usually defense lawyers want to hear.
16 They want to hear their guys on tape right away, so we gave
17 them all of that, and it is a lot for them to review, which is
18 why at the first conference in January we set the May
19 conference to give everybody a chance to really start digging
20 into the discovery.

21 We're getting ready to get all of this stuff out, I
22 would say probably within a week or two weeks, max. And that's
23 going to add, it is really going to be a lot of additional
24 stuff for them to review. It will be the basis, if they wanted
25 to file motions, there is going to be things in there that will

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1 be the basis for motions they have to review first.

2 If your Honor is set on setting a trial date this
3 year, perhaps maybe just a little bit past six months, closer
4 to the end of the year would be better, because six months from
5 now is September, and I don't think -- I think a more feasible
6 date might be towards the end of the year.

7 THE COURT: Thank you. I'm going to set the trial
8 date September 9. I'm sorry, September 10 which is a Monday.

9 MR. EINHORN: If I can interject. I have a prebooked
10 nonrefundable vacation during that week in September. Is there
11 any way to have it two weeks later? I try to put things very
12 far in advance, so we don't have issues with trial. I thought
13 six or seven months in advance would leave us that ability.

14 THE COURT: The question is how many attorneys does
15 Mr. Esposito need to have for the purposes of this trial?

16 MR. EINHORN: I've been working nonstop day and night,
17 so I think my absence from this team would be -- I am the
18 principal author of a lot of stuff that's gone in at this
19 point, together with Mr. Lichtman.

20 THE COURT: September 24.

21 MR. SWERGOLD: Your Honor, I also just want to make
22 one additional point clear. Even though we are going to get
23 all the other discovery out in the next coming weeks, the
24 government, as we always do, will continue to investigate this
25 case and any additional leads we have. So if we get more

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1 evidence as we get closer and closer to trial, we'll keep
2 producing it on a rolling basis. There is a possibility and a
3 very good possibility that more evidence will come to light and
4 more discovery will be generated in the months leading up to
5 trial.

6 THE COURT: That's the case any time a Court sets a
7 trial.

8 MR. SWERGOLD: Agreed, your Honor. I wanted it clear
9 on the record.

10 THE COURT: Understood.

11 Now, on the basis that the matter is going to trial in
12 a period of roughly six months, the Court will grant the
13 application of the government, but set the conditions of bail
14 for Mr. Esposito to be those set forth in the proposal of the
15 government for an armed guard for the period up to trial.

16 Now, Mr. Lichtman, I understand your concern and the
17 numbers that you submitted. But, under the assumption that the
18 trial is going to be in the time frame that we're talking
19 about, the costs that you submitted, which I assume were
20 annualized costs, would be half of that.

21 The difference between the six months of the armed
22 guard and what you assumed to be the costs of a yearly expense
23 of camera and video and people reviewing those videos on an
24 ongoing basis is probably not materially different.

25 MR. LICHTMAN: Well, Judge, the trial starts in six

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1 months. Trial doesn't end in six months.

2 THE COURT: Well, the government said a trial of about
3 three weeks. So I am assuming a trial of about three weeks.

4 MR. LICHTMAN: I think they said three weeks, perhaps
5 much longer.

6 THE COURT: We'll start with a period of three weeks.

7 MR. LICHTMAN: Well, Judge, if that's your order,
8 that's your order. We are going to be appealing to the Second
9 Circuit. We'll do that forthwith.

10 THE COURT: All right.

11 MR. LICHTMAN: So but I would also ask with the
12 conditions in place, either pursuant to your order or while he
13 sits in the MCC, that the protective order be modified to allow
14 him to review these tapes on his own without counsel present.
15 Otherwise, this becomes completely unworkable. We'll have to
16 hire a team of lawyers that will be dedicated just for this
17 case, who will have to sit with Mr. Esposito daily to prepare
18 for trial in six months with 127 hours of wiretaps,
19 consensuals, 78,000 texts. All of this falls under the
20 protective order.

21 THE COURT: Mr. Swergold.

22 MR. SWERGOLD: Yes, your Honor. Actually, counsel for
23 Mr. Giovinco also raised with the government recently the
24 proposal to modify the protective order and I think we are
25 going to be doing that.

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1 With respect to the wiretaps and the text messages
2 that are in the wiretaps, we would be fine with modifying the
3 protective order, and we can get the Court a revised version to
4 allow for that to be reviewed by defendants outside the
5 presence of defense counsel.

6 But for the consensual recordings that include
7 cooperating witnesses on the recordings, we would continue
8 to -- we would object and we would not agree to allow those
9 recordings to come from outside of the protective order.
10 That's the classic example of the types of discovery that are
11 subject to a protective order like this.

12 THE COURT: Mr. Lichtman.

13 MR. LICHTMAN: Judge, this is a case that's going to
14 be going to trial in six months. We have 54 hours of
15 consensuals. There are no secrets as to who the cooperators
16 are who are on the tapes. The cooperator that was mentioned
17 during the bail hearing is out and about going to work every
18 day with apparently no concerns.

19 So with all respect, with a case where there is no
20 allegations of obstruction against Mr. Esposito, or perhaps any
21 of the defendants in this case, to make it even more onerous
22 and have 54 hours of tapes in which we'll have to have someone
23 with Mr. Esposito, there is no basis for it.

24 And if we are going to be forced to get ready for
25 trial in six months, and we will be ready, Judge, despite the

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1 appeal on the bail, there has got to be some ability for us to
2 be able to do our job within our Constitutional obligations,
3 and 54 hours of consensual tapes that are very difficult to
4 hear as it is, Judge. These aren't Title IIIs that are crisp
5 taken right from a phone. These are tapes where it is
6 difficult to get a word out of.

7 So the idea that 54 hours can be listened to and
8 prepared in 54 hours, it could be 500 hours in order to be able
9 to understand what's actually on these consensuals, it is just
10 not realistic with the short trial date.

11 THE COURT: Mr. Swergold, do these tapes have
12 transcripts along with them or are they just pure tapes?

13 MR. SWERGOLD: Your Honor, obviously we are going to
14 now start preparing transcripts for the recordings, especially
15 ones that we intend to use at trial. I know that the
16 consensual recordings, I don't think have transcripts.

17 MR. LICHTMAN: They don't.

18 MR. SWERGOLD: The wiretap obviously has line sheets
19 that set out a rough transcript of what took place over the
20 call.

21 But just also to address one point raised by
22 Mr. Lichtman. It is basically always the case that when you
23 produce a consensual recording, the identity of the people who
24 are doing the recording, if it's the defendant and somebody
25 else, for example, they are going to know who the cooperator

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1 is. That doesn't change the fact that those types of
2 recordings are still subject to protective orders, and we
3 would, again, we continue to object to the idea that the
4 consensual recordings made by cooperating witnesses should be
5 allowed to be in the defendants' possession without the
6 presence of counsel.

7 The wiretap recordings, which is more than the
8 consensual recordings, we are fine with relaxing the protective
9 order with respect to those recordings.

10 MR. LICHTMAN: Judge, there is a protective order in
11 place, but for what purpose? The defendant knows who is on
12 tapes, it is his voice talking to other individuals. He
13 understands that he is not allowed to disseminate the tapes.
14 If he disseminates the tapes, there is going to be a problem,
15 especially with your Honor's order for bail. If we lose our
16 appeal or if we win our appeal, either way, he is allowed to be
17 out. He's bailed. He is either going to have guards or not
18 have guards. If any of these tapes are disseminated to a third
19 party, he goes back to the MCC.

20 What concern is theirs that they can have the Title
21 IIIs but they can't have the consensuals? Are they suggesting
22 that there are no cooperators that are captured on the Title
23 IIIs? This is just a fiction.

24 We don't have a problem with the protective order, he
25 is not allowed to disseminate to third parties. He understands

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1 your Honor will put him right back in.

2 We've got a six-month trial date from now. They
3 haven't turned over half of the discovery perhaps, and now we
4 are being told that we have to hire a team of people that will
5 have to visit him at his house because he has armed guards, or
6 are the armed guards allowed to come to our office with him to
7 see the lawyers or do we have to go to his house?

8 Are we going to have to hire a new team of people
9 whose sole job will be to go over 54 hours of tapes with him?

10 I don't see, without any kind of showing as to why
11 Mr. Esposito or any of these defendants are somehow at risk of
12 disseminating these tapes to third parties, presumably that's
13 what the concern is. They'll take these tapes and they'll hand
14 them out to their criminal confederates. What basis is there
15 in this case that these defendants are capable of such a thing
16 or have any desire to do that?

17 They are all out on bail and Mr. Esposito is bailable.
18 Why would they do it?

19 THE COURT: Thank you.

20 Mr. Swergold, I would suggest that you sit down with
21 Mr. Lichtman and his team and see whether you can work out a
22 stipulation concerning amendments of the protective order that
23 addresses your concern as well as the interests of the
24 defendants under these circumstances. And these circumstances
25 I'm referring to the point that Mr. Lichtman makes, which I

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1 think is not unreasonable, that if the identity of the
2 cooperator is known and there is no other witness or cooperator
3 whose safety and security may be threatened, that those may be
4 grounds for reasonable relaxation of the protective order.

5 At the same time, given that I am granting the bail
6 package on the terms that we talked about of the armed guard,
7 the parties should sit down again and develop an appropriate
8 order that incorporates the ruling on that basis.

9 Anything else?

10 MR. FROCCARO: Judge, would it be possible to set a
11 schedule for us to get the enterprise letter from the
12 government so I have a clue what my client, what racketeering
13 acts they claim he's involved with?

14 THE COURT: Mr. Swergold.

15 MR. SWERGOLD: Your Honor, as is typical in
16 racketeering cases, the government usually prepares an
17 enterprise letter around the time that it files its motions in
18 limine. It also serves to put defendants on 404(b) notice, and
19 is also part usually of a 404(b) motion in limine.

20 So, we can certainly provide a letter to the Court
21 where there are numerous courts in this district and the Second
22 Circuit that has approved providing an enterprise letter closer
23 in time to trial, at around the time motions in limine are
24 filed, and that would be the government's plan in this case as
25 well. There is nothing extraordinary about this case that

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1 makes it any different than the normal racketeering cases that
2 we try in this district.

3 MR. FROCCARO: Judge, I just disagree. That's simply
4 not accurate. I've worked on a number of cases where judges
5 order early on so the defense can prepare. How can I even
6 prepare against the charges if I don't know what they are.

7 I'll give you an example. the case before Judge
8 Sullivan recently. Judge Sullivan didn't do it with the in
9 limine motions. He did it very early on in the proceedings,
10 I'd say at the midway point in the proceedings.

11 That's simply not accurate. How can I defend against
12 a charge if I don't know what it is. they should know what
13 those acts are. They presented it to the grand jury and they
14 got an indictment returned. So I am not asking for much.

15 MR. SWERGOLD: Your Honor, first of all, the case
16 before Judge Sullivan was a 40-plus defendant case with
17 numerous charges. That's totally different.

18 If Mr. Froccaro wants to know what his client did, he
19 can ask his client. We've already detailed some of the acts
20 that took place here in the bail arguments. We had a
21 eight-defendant gang case that ultimately went down to less
22 than eight defendants because several of them pled before Judge
23 Failla where we did the enterprise letter about a month to a
24 month and a half before trial.

25 And your Honor, I think at this point it is certainly

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1 too early to set that. If your Honor will set a motion in
2 limine schedule closer to trial, we would suggest setting the
3 enterprise letter around that time as well. That's standard.

4 The case cited by Mr. Froccaro is a complete outlier
5 given how many defendants, how many acts were alleged in that
6 case. It is completely different than this case.

7 MR. FROCCARO: Judge --

8 MR. LICHTMAN: Your Honor --

9 MR. FROCCARO: Please, Judge. Courts routinely give
10 you that information in connection with the substantive
11 motions, bill of particulars. For them to suggest it is in a
12 in limine motion is just flatout wrong. This is not a case
13 where a client may be charged with a bunch of substantive
14 crimes, which are included in the racketeering charge.

15 My client is just charged with a racketeering
16 conspiracy. I have no clue what he is charged with. And if he
17 wants me to ask my client, the answer is he pled not guilty. I
18 need that assistance from the Court so that I can make
19 meaningful time, put meaningful time to go through the
20 discovery here, Judge.

21 MR. LICHTMAN: May I briefly?

22 THE COURT: Let me address this issue. I think
23 perhaps the way to flush it out is for you to make a request
24 for a bill of particulars, and the Court will rule on that.

25 MR. FROCCARO: Understood. I've made an informal one

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1 of the government already, and now I'll make a formal one.

2 MR. LICHTMAN: We put a request for a bill of
3 particulars yesterday.

4 All I would add is we have a trial in six months,
5 we've got a huge amount of discovery to go through. They know
6 what they believe the defendants did. The indictment, our
7 client is charged with a racketeering conspiracy where it says
8 the members of the enterprise are engaged in extortion, loan
9 sharking, gambling, robbery, narcotics trafficking, assaults,
10 murder, unlawful payments, honest services fraud, and other
11 crimes. There is no reason to hide the ball. They know what
12 the evidence is, what they plan on proving to a jury. Why
13 can't we know too?

14 THE COURT: All right. Anything else? Government?

15 MR. SWERGOLD: No, not from the government.

16 THE COURT: In that case why don't we get back to the
17 schedule that the court set for trial. And speedy trial
18 implications.

19 Mr. Swergold, does the government move for exclusion
20 of time?

21 MR. SWERGOLD: Yes, your Honor. The government would
22 move to exclude time under the Speedy Trial Act between today
23 and September 24, 2018, so that the defendants can continue to
24 review discovery, can prepare any motions, and the parties can
25 prepare for trial.

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1 MR. LICHTMAN: Judge, if I may clarify one thing
2 regarding the bail. As the order stands now, your Honor had
3 ordered the guards to be present at Mr. Esposito's home. Would
4 that permit him, based on that issue, to bring those guards to
5 our office and meet with us there?

6 THE COURT: I don't see why not. But, Mr. Swergold,
7 does the government have a view on this?

8 MR. SWERGOLD: No, I think that's right, your Honor.
9 Under home incarceration, the only time that a defendant can
10 leave the home is for a medical emergency, to go to court, or
11 to see his lawyer. So, yes, we would expect that the armed
12 guards would be -- that company as part of the services would
13 be responsible for bringing him to meet with his lawyer or to
14 court, and then bringing him back. If the armed guards were to
15 just stay at the home and he could leave and be outside of
16 their supervision, it would defeat the purpose.

17 MR. LICHTMAN: I don't think that's what I was
18 referring to. I thought we would not be able to have
19 Mr. Esposito come to our offices under those conditions.

20 THE COURT: No, that's not the intent.

21 MR. LICHTMAN: Thank you.

22 THE COURT: On the government's motion to exclude
23 adjourned time from speedy trial calculations from today
24 through the trial date of September 24, any objections recorded
25 by any defendant?

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1 MR. LICHTMAN: No, your Honor.

2 THE COURT: Hearing none, the motion is granted. I
3 find that the reasons conveyed to the Court warrant exclusion
4 of time as it is intended to ensure the effectiveness of
5 counsel and to prevent any miscarriage of justice. The Court
6 is satisfied that the ends of justice served by the granting of
7 this continuance outweigh the best interests of the public and
8 the defendants in a speedy trial. This order of exclusion of
9 time is entered pursuant to the provisions of the Speedy Trial
10 Act, Title 18 U.S.C. Sections 3161(h)(7)(B)(ii) and (iv).

11 If there is nothing else, I thank you. Have a good
12 day.

13 MR. LICHTMAN: Thank you, your Honor.

14
15 THE COURT: Just one more point. We do have on the
16 calendar a status conference in May. I think it would be
17 important for us to keep that date to touch base to see where
18 we are on the various issues.

19 MR. LICHTMAN: Thank you.

20 (Adjourned)
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